

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF CALIFORNIA  
3

4 HOHENBERG, ) Case No. 11CV0205-H-KSC  
5 Plaintiff, )  
6 vs. ) Monday,  
7 FERRERO USA, INC., ) July 9, 2012  
8 Defendant. ) 10:30 a.m.  
9 )

10 TRANSCRIPT OF FAIRNESS HEARING/MOTION HEARING  
11 BEFORE THE HONORABLE MARILYN L. HUFF  
12 UNITED STATES DISTRICT JUDGE

12 APPEARANCES:

13 For the Plaintiff:

JOHN FITZGERALD, ESQ.  
GREGORY WESTON, ESQ.  
The Weston Firm  
1405 Morena Boulevard  
Suite 201  
San Diego, California 92110  
(619) 798-2006

RONALD MARRON, ESQ.  
MAGGIE REALIN, ESQ.  
Law Offices of Ronald Marron  
3636 4th Avenue, Suite 202  
San Diego, California 92101  
(619) 696-9006

20 For the Defendant:

DALE BISH, ESQ.  
Wilson, Sonsini, Goodrich &  
Rosati  
650 Page Mill Road  
Palo Alto, California 94304  
(650) 804-4018

24 Proceedings recorded by electronic sound recording;  
25 transcript produced by transcription service.

1 APPEARANCES: (Cont'd.)

2 For the Objectors Courtney GRENVILLE PRIDHAM, ESQ.  
3 Gray & Andrea Pridham: 2522 Chambers Road, Suite 100  
Tustin, California 92780  
4 (714) 486-5144

5 Court Recorder: Lynnette Lawrence  
United States District Court  
6 940 Front Street  
San Diego, California 92101

7 Transcript ordered by: MCKEAN EVANS, ESQ.

8 Transcriber: L. L. Francisco  
9 Echo Reporting, Inc.  
6336 Greenwich Drive, Suite B  
10 San Diego, California 92122  
(858) 453-7590

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 SAN DIEGO, CALIFORNIA, MONDAY, JULY 9, 2012 10:30 AM

2 --oOo--

3 (Call to order of the Court.)

4 THE CLERK: Number 9 on calendar, 11CV0205,  
5 Hohenberg versus Ferrerro USA, Inc. for a Fairness Hearing  
6 and Motion Hearing.

7 MR. FITZGERALD: Good morning, your Honor, on  
8 behalf of Plaintiffs Jack Fitzgerald from the Weston Firm.  
9 With me is Gregory Weston.

10 MR. MARRON: Ronald Marron for the Plaintiffs.

11 THE COURT: Thank you.

12 MR. MARRON: And Maggie Realin.

13 MR. BISH: Good morning, your Honor, Dale Bish for  
14 Ferrerro USA.

15 MR. PRIDHAM: Good morning, your Honor, Grenville  
16 Pridham representing objectors Courtney Gray and Andrea  
17 Pridham.

18 THE COURT: All right. I have reviewed your  
19 objections. They filed opposition to your objections. So  
20 do you have anything else to add beyond what is in your  
21 papers?

22 MR. PRIDHAM: No. I would emphasize the important  
23 part is that they're -- what they're calling injunctive  
24 relief really doesn't change the status quo. They've just  
25 changed the wording. They're still leading -- giving the

1 misleading impression that somehow Utila is a healthy  
2 breakfast food for children.

3 THE COURT: So in this matter the Court declines  
4 to adopt your position. The Court will approve the  
5 settlement.

6 MR. PRIDHAM: Okay.

7 THE COURT: And the Court will sign an order  
8 approving the settlement and granting the Plaintiff's motion  
9 for attorney's fees.

10 MR. PRIDHAM: May I ask a question about the  
11 adequacy of the settlement type?

12 THE COURT: The Court will do it in a written  
13 order.

14 MR. MARRON: Thank you, your Honor.

15 MR. FITZGERALD: Thank you, your Honor.

16 MR. BISH: Thank you, your Honor.

17 MR. PRIDHAM: Thank you, your Honor.

18 (Proceedings concluded.)  
19  
20  
21  
22  
23  
24  
25

1 I certify that the foregoing is a correct  
2 transcript to the best of my ability from the electronic  
3 sound recording of the proceedings in the above-entitled  
4 matter.

5 /s/ L.L. Francisco 8-27-12  
6 Transcriber Date

7 FEDERALLY CERTIFIED TRANSCRIPT AUTHENTICATED BY:

8 /s/ L.L. Francisco  
9 L. L. Francisco, President  
Echo Reporting, Inc.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25